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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,364	05/02/2001	Kazuya Ishiwata	35.C15334	8273

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EXAMINER

GUHARAY, KARABI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/846,364

Applicant(s)

ISHIWATA ET AL.

Examiner

Karabi Guharay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-14 and 18-29 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Specification***

The listing of references in the specification (pages 1-4) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The information disclosure statement requires a list of all patents, publications, or other information submitted for consideration by the Office and further requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-14, 18-29, are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshioka et al. (US 5872541, hereinafter Yoshioka).

Regarding claims 1, and 2, Yoshioka discloses an electron source forming substrate (Fig 11(5)) with an insulating material (11) on a surface of a substrate (4) at

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which surface an electron emitting device is disposed (see Fig 8) wherein the insulating material layer (11) has a plurality of partially exposed metal oxide particles (9) on its surface and a plurality of enclosed metal oxide particles (Fig 11-5, lines 44 of column 8-line 47 of column 9).

Regarding claims 3, and 4, Yoshioka discloses that the plurality of enclosed metal oxide particles and a plurality of partially exposed metal oxide particle form a metal oxide particle layer in the insulating layer (11) between substrate surface and the surface of the insulating material layer (see Fig 12).

Regarding claim 8, Yoshioka discloses substrate is made of glass, which inherently contains Na (line 62 of column 5).

Regarding claim 9, Yoshioka discloses that the insulating layer (11) is a  $\text{SiO}_2$  (line 62 of column 5, and line 65-67 of column 10), which is a sodium-blocking layer.

Regarding claim 10, Yoshioka discloses insulating layer being silicon dioxide layer having  $\text{SnO}_2$  or other conductive particles dispersed in it (lines 65 of column 8-line 4 of column 9), thus forming an anti-static layer.

Regarding claims 11, and 12, Yoshioka discloses an electron source substrate provided with a  $\text{SiO}_2$  layer on a surface of a substrate ((line 62 of column 5, and line 65-67 of column 10), at which an electron emitting device is disposed wherein the  $\text{SiO}_2$  has a plurality of partially exposed metal oxide particles (9) on its surface and a plurality of the enclosed metal oxide particles (see Fig 11-5, and Fig 12).

Regarding claims 13, and 14, Yoshioka discloses that the plurality of enclosed metal oxide particles and a plurality of partially exposed metal oxide particle form a

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metal oxide particle layer in the SiO<sub>2</sub> layer (11) between substrate surface and the surface of the insulating material layer (see Fig 12).

Claim 18 recites essentially the same limitations of claim 8. Thus claim 18 is rejected as claim 8 (see Rejection of claim 8).

Claim 19 recites essentially the same limitations of claim 9. Thus claim 19 is rejected as claim 9 (see Rejection of claim 9).

Claim 20 recites essentially the same limitations of claim 10. Thus claim 20 is rejected as claim 10 (see Rejection of claim 10).

Regarding claim 21, Yoshioka discloses that the metal oxide particles (line 3 of column 9) are electron conductive oxide particle.

Regarding claim 22, Yoshioka discloses that the metal oxide particles are particles of an oxide of a metal selected from the following metals: Fe, Ni, Cu, Pd, Ir, In, Sn, Sb, Re (line 3 of column 9).

Regarding claim 23, Yoshioka discloses that the metal oxide particles are SiO<sub>2</sub> particles (line 1-3 of column 31).

Regarding claim 24, Yoshioka discloses that the substrate on is an electron source forming substrate on which an electron source is formed (Fig 8).

Regarding claim 25, Yoshioka discloses an electroconductive film (Pd film 3a of Fig 36) containing electron-emitting region (lines 39-52 of column 31).

Regarding claim 26, Yoshioka discloses a plurality of electron-emitting devices arranged in a matrix wiring composed of a plurality of row directional wirings and a plurality of column-directional wirings (see Fig 39A-D).

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Regarding claim 27, and 29, Yoshioka discloses an image display apparatus comprising an envelope, an electron-emitting device arrangement in a matrix wiring composed of plurality of row directional wirings and a plurality of column directional wirings adapted to display images through the application of electrons from the electron-emitting device where the substrate is as claimed in claim 1,2, 11, 12 (see Fig 39A-D, lines 36 of column 32-32 of column 33).

Claim 28 recites essentially the same limitations of claim 25. Thus claim 28 is rejected as claim 25 (see Rejection of claim 25).

***Allowable Subject Matter***

Claim 5-7, and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither shows nor suggests an electron source forming substrate where average particle size of the partially exposed metal oxide particle is larger than the particle size of enclosed metal oxide particles.

***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure : Clough et al. (US 5756207); Brandes et al. (US 6268229); Yoshioka et al. (US 5532544).

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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.G.

Karabi Guharay  
Patent Examiner  
Art Unit 2879

  
ASHOK PATEL  
PRIMARY EXAMINER